

PDR NO. _____

IN THE COURT OF CRIMINAL
APPEALS AT AUSTIN, TEXAS

HAPPY TRAN PHAM, Appellant

V.

THE STATE OF TEXAS, Appellee

*The Fourteenth Court of Appeals
Case No. 14-17-00400-CR*

FILED
COURT OF CRIMINAL APPEALS
3/27/2020
DEANA WILLIAMSON, CLERK

APPELLANT'S MOTION FOR EXTENSION OF TIME
TO FILE PETITION FOR DISCRETIONARY REVIEW

TO THE HONORABLE JUDGES OF THE COURT OF CRIMINAL APPEALS

COMES NOW, HAPPY TRAN PHAM, Appellant in the above-styled and numbered cause, by and through his Counsel of Record, BRITTANY CARROLL LACAYO, and files this Motion to Extend Time to File a Petition for Discretionary Review and in support thereof would show this Court the following:

I.

Appellant was convicted of Murder. Fourteenth Court of Appeals affirmed the convictions in a published opinion filed October 31, 2019. Petitioner filed a Petition for Rehearing En Banc, which was denied on March 5, 2020. Appellant's Petition for Discretionary Review is currently due to be filed by April 6, 2020. This is Appellant's first request for an extension of time. Appellant requests an extension of sixty (60) days to file the petition.

Counsel for Appellant has worked diligently to complete the Petition for Discretionary Review in the above styled cause, and has not completed Appellant's Petition

for Discretionary Review for the following reasons:

1. Due to COVID-19 counsel's children are not in daycare and counsel is working from home the best she can with a three-month-old and a four-year-old. Harris County, Texas is currently under a stay at home order.
2. Counsel is preparing a brief in the case styled *United States of America v. Mack Biggers*, Case No. 19-20817, which is due to be filed in the Fifth Circuit on April 14, 2020.
3. Counsel is preparing a brief in the case styled *United States of America v. Nelson Polk*, Case No. 19-20251, which is due to be filed in the Fifth Circuit on April 22, 2020.
4. Counsel is also preparing an Application for Writ of Habeas Corpus pursuant to 11.07 Tex. Code Crim. Proc. in the case styled *State of Texas v. Fadhil Al Musawi*, Case Nos. 15-DCR-070841 and 15-DCR-071606, in the 240th District Court of Fort Bend County, Texas.
5. Counsel is also preparing an Application for Writ of Habeas Corpus pursuant to 11.07 Tex. Code Crim. Proc. in the case styled *State of Texas v. Jose Salas-Bustamante*, Cause No. 1499064 in the 182nd District Court of Harris County, Texas.

II.

This request is not made for the purpose of delay, but rather this request is made to allow counsel adequate time to prepare Appellant's Petition for Discretionary Review. Appellant moves this Court for an order granting an extension of sixty (60) days, or until June 5, 2020 for Appellant to submit the Petition for Discretionary Review in this case.

WHEREFORE, PREMISES CONSIDERED, Appellant moves this Court for an order granting an extension of forty-five (45) days, for Appellant to submit the Petition For

Discretionary Review in this case.

Respectfully submitted,

/s/ Brittany Carroll Lacayo
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COUNSEL FOR APPELLANT,
HAPPY TRAN PHAM

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing Motion for Extension of Time to File Appellant's Petition For Discretionary Review was served by electronic service to the Harris County District Attorney's Office on March 27, 2020.

/s/ Brittany Carroll Lacayo
BRITTANY CARROLL LACAYO

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Associated Case Party: The State of Texas

Name	BarNumber	Email	TimestampSubmitted	Status
Tiffany Larsen		Larsen_Tiffany@dao.hctx.net	3/27/2020 11:07:13 AM	SENT